



10-19-07

DAC

PATENT

IGW

U.S. Attorney Docket No.: SP01-095

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Bradford G. Ackerman, et al.)
Serial No: 09/844,947) Group Art Unit: 1731
Filing Date: April 27, 2001) Examiner: John M. Hoffman
Title: METHOD FOR PRODUCING)
TITANIA-DOPED FUSED SILICA)
GLASS)

Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY INTENTIONALLY UNDER 37 C.F.R. §1.137(a)
ABANDONMENT DUE TO PATENT OFFICE ERROR

The above application became abandoned due to an error in the Patent Office by which applicants' Notice of Appeal and Request for a Three (3) Month Extension of Time mailed August 31, 2007 with a return postcard was not entered and/or was lost by the Patent Office. The facts are as follows.

- On October 17, 2007 applicants received a Notice of Abandonment mailed October 11, 2007 indicating that the above identified application became abandoned due to applicants failure to file a timely and proper reply to the Office Action mailed March 12, 2007 which set a three (3) month period of reply.
- Applicant replied to the Office Action of March 12, 2007 on May 23, 2007. This date is indicated in the Notice of abandonment.
- Applicants received an Advisory Action mailed August 9, 2007 which indicated that the reply would not be entered because it raised new issues that were deemed to require further consideration and because it was deemed not to place the application in condition for allowance.
- Applicants filed a Notice of Appeal and a Request for a Three (3) Month Extension of Time on August 31, 2007 as evidenced by the Return Postcard bearing the Patent Office stamp

10/22/2007 EAYALEW1 00000009 033325 09844947

01 FC:1452 510.00 DA

1

09844947
CKHLOK
Adjustment date: 12/10/2007
10/22/2007 EAYALEW1 00000009 033325
01 FC:1452 510.00 CR

and date of September 4, 2007, a copy of which is attached. In addition, applicants have attached a copy of the Notice of Appeal and the Request for an Extension of Time that were mailed on August 31, 2007.

- On October 17, 2007 applicants received a Notice of Abandonment mailed October 11, 2007.
- On October 17, 2007 applicants' undersigned attorney called the Examiner, John Hoffmann, and asked whether the Notice of Appeal was received. The Examiner indicated that he had not received it.

In view of the foregoing facts and enclosed evidence in support thereof, applicants submit that a Notice of Abandonment was improperly issued and applicants respectfully request that the Notice of Abandonment be withdrawn without the requiring the payment of a fee. However, in the event that applicants are mistaken, applicants request that the fee of \$500.00 for Unavoidable Abandonment under 37 CFR 1,17(l), including any additional fees or surcharges as necessary, be charged deposit account of the undersigned corporation, Deposit Account No. 03-3325.

Applicants further request that the fees for the Notice of Appeal and Three Month Extension of Time filed August 31, 2007 also be charged deposit account of the undersigned corporation, Deposit Account No. 03-3325.

Lastly, In view of the above facts and evidence, and applicants' belief that this Petition will be granted, applicants believe that the correct date for their filing their Brief on Appeal is October 31, 2007. The Brief will be filed on or before this date.

18 October 2007

Date

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10: I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is Addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 18, 2007 "EXPRESS MAIL" Mailing Label No.: EM087135406US <u>Julie Henshaw</u> 10/18/07 Julie Henshaw on October 18, 2007			
--	--	--	--

Respectfully submitted,
CORNING INCORPORATED

Walter M. Douglas

Walter M. Douglas
Registration No. 34,510
Corning Incorporated
Patent Department
Mail Stop SP-TI-03-1
Corning, NY 14831

Enclosures:

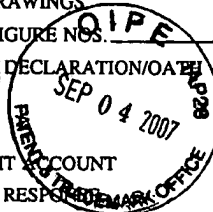
1. A copy of the return postcard bearing the Patent Office's stamped date of September 4, 2007 indicating receipt of applicants Notice of Appeal and request for an Extension of time.
2. A copy of applicants' Notice of Appeal of August 31, 2007 for entry into the case.
3. A copy of the applicants' request of August 31, 2007 for a Three (3) Month Extension of Time for entry into the case.
4. Return postcard for this Petition



Division SM/EUV Date 8/31/07
INVENTOR Bradford G Ackerman et al.
CASE No. SP01-095
SERIAL No. 09/844947
FILED 4/27/2001
ATTORNEY WMD

The Patent and Trademark Office acknowledges and has stamped hereon the date of receipt of the items checked below:

- ☐ _____ PAGES, PROVISIONAL APPLICATION PAPERS
☐ _____ PAGES, APPLICATION PAPERS
TOTAL CLS. _____ FEE \$ _____
☐ _____ SHEETS OF DRAWINGS
FORMAL/INFORMAL FIGURE NOS. _____
☐ ASSIGNMENT ☐ DECLARATION/OATH
☐ POWER OF ATTORNEY
☐ PRIOR ART STATEMENT
☐ LETTER - CHARGE DEPOSIT ACCOUNT
☐ AMENDMENT ☐ RESPONSE
☐ ISSUE FEE
☐ CERT. OF CORR. ☐ NOTICE OF ERROR
☐ REQUEST ☐ DEMAND
☐ INVITATION TO CORRECT
☒ Notice of Appeal
☒ Extension of Time (3) months
☐ _____
☐ _____
EXPRESS MAIL # _____



ET-149137

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				09/844,947					
1 Date of Request: _____		2 Serial/Patent # _____							
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT					
<input type="checkbox"/>	Filing			\$					
<input type="checkbox"/>	Amendment			\$					
<input type="checkbox"/>	Extension of Time			\$					
<input type="checkbox"/>	Notice of Appeal/Appeal			\$					
<input checked="" type="checkbox"/>	Petition			\$ 510.00					
<input type="checkbox"/>	Issue			\$					
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$					
<input type="checkbox"/>	Maintenance			\$					
<input type="checkbox"/>	Assignment			\$					
<input type="checkbox"/>	Other			\$					
		7 TOTAL AMOUNT OF REFUND		\$ 510.00					
		8 TO BE REFUNDED BY:							
		Treasury Check							
		<input checked="" type="checkbox"/>	Credit Deposit A/C #:						
		9	0	3	--	3	3	2	5
10 REASON:									
<input type="checkbox"/>	Overpayment								
<input type="checkbox"/>	Duplicate Payment								
<input type="checkbox"/>	No Fee Due (Explanation):								
11 REFUND REQUESTED BY:									
TYPED/PRINTED NAME: _____		TITLE: _____							
SIGNATURE: _____		PHONE: _____							
OFFICE: _____									
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****									
APPROVED: _____		DATE: 12/10/07							

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: